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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/828,397

**Applicant(s)**

BURG, FREDERICK MURRAY

**Examiner**

SIMON SING

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19-32 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-32 and 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 20 and 32 objected to because of the following informalities:

1.1 Claim 1 recites the limitation "the caller network device" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

1.2 Claim 20 recites the limitation "a caller network device" in lines 3 and 4, and "the caller network device" later in the claim. It is unclear which "caller network device" in lines 3 and 4 that "the caller network device" referred to. Appropriate correction is required.

1.3 Claim 32 recites the limitation "a caller network device" in lines 2 and 3, and "the caller network device" later in the claim. It is unclear which "caller network device" in lines 2 and 3 that "the caller network device" referred to. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

Art Unit: 2614

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17, 19, 32 and 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert US 7,580,374 in view of Sorensen et al. US 6,810,116 and further in view of Henrikson et al. 6,870,916.

2.1 Regarding claim 1, Gilbert discloses a method for arranging a conference call between a host (initiator, or caller) and at least one participant (called party), comprising:

receiving from a call network device, a text-based message having caller information associated with the caller network device and a called endpoint information associated with a called network device, the text-based message including a time at which a telephone call is to be initiated (Abstract; column 4, line 61 – column 5, line 17);

initiating an arrangement (scheduling) of the telephone call by a server (call setup system 12, figures 1 and 7) prior to an attempt to call the called network device in response to receiving the text-based message, the arrangement being associated with the time to initiate the telephone call (column 5, lines 18-49);

sending a first alert signal to the called network device, and a second alerting signal to the caller network device automatically by the server at the time included in the text-based message, the first and the second alerting signals being sent to each of the caller network device and the called network are each

Art Unit: 2614

called by the server at the time included in the text-based message (column 4, line 61 – column 5, line 59);

detecting whether a first connecting signal is received from the called network device and whether a second connection signal is received from the caller network device (column 5, lines 36-59); and

attempting to connect the called network device to the caller network device in response to the first connection signal and the second connection signal (column 5, lines 36-59).

Gilbert teaches using a text-based message to setup a telephone call, but fails to teach sending a notification, such as an instant message or an email, to the caller network device if connection to the called network device failed.

However, Sorensen teaches that when a conference system fails to connect a conference participant, existing conference participants are notified by an instant message (voice message) (column 8, lines 14-17). In addition, Henrikson teaches notifying a conference requester about the availability of conference resources and participant(s), using a text message, a voice message or an e-mail (column 7, lines 52-65).

Since Gilbert teaches that a conference participant uses either a telephonic device or a computer to participate in a telephone conference (column 5, line 18 – column 6, line 7), therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gilbert reference with the teaching so that when a computer was used as the caller network device, the call setup system 12 would have notified the caller network

Art Unit: 2614

device, using a text message (Instant Message), a voice message, or an e-mail, if a connection to the called network device failed. The motivation for such a modification was to inform the caller (call initiator or requestor) about the availability of other conference call participant as taught by Sorensen and Henrikson.

2.2 Regarding claim 2, Gilbert teaches using saved caller information for establishing a communication session between the host (caller) and at least one participant (called party) (column 5, lines 18-59).

2.3 Regarding claim 3, it is inherent that the call setup system 12 received a confirmed message indicating a successful from a network device, such as an off-hook signal.

2.4 Regarding claim 4, Gilbert teaches time information (schedule) as stated above (also see figure 3).

2.5 Regarding claim 5, Gilbert teaches caller information includes caller (host) telephone number (figure 3).

2.6 Regarding claim 6, Gilbert teaches called endpoint includes a telephone number (figure 3).

Art Unit: 2614

2.7 Regarding claim 7, obviously the call setup system 12 of Gilbert decodes the called endpoint information to provide the called telephone number (figure 3; column 4, lines 44-48).

2.8 Regarding claim 8, the call setup system obviously decodes the caller information to provide the caller telephone number (figure 3; column 4, lines 44-48).

2.9 Regarding claim 9, Gilbert teaches retrieving the called telephone number (figure 3; column 4, lines 44-48; column 5, lines 50-54).

2.10 Regarding claim 10, as stated above, the modified Gilbert reference sends a notification in either a text converted voice message (instant message), or an email.

2.11 Regarding claims 11 and 12, examiner takes an office notice that it was well known in the art that when a telephone conference participant joined the conference, he/she would have been greeted by a welcome voice message.

2.12 Regarding claim 13, it would have been obvious that the call setup system 12 terminated a call to the called network device when encountered a busy signal or no answer.

Art Unit: 2614

2.13 Regarding claim 14, it would have been obvious that the call setup system 12 would have activated a re-dial function after terminating a call to the called network device when encountered a busy signal.

2.14 Regarding claim 15, it would have been obvious that the call setup system 12 terminated a call to the caller network device when encountered a busy signal or no answer.

2.15 Regarding claim 16, it would have been obvious that the call setup system 12 would have activated a re-dial function after terminating a call to the caller network device when encountered a busy signal.

2.16 Regarding claim 17, as stated above, when a conference participant cannot be connected, the current participant are notified by a voice message (Sorensen: column 8, lines 14-17).

2.17 Regarding claim 19, Gilbert teaches telephone and computer (voice over Internet).

2.18 Regarding claim 32, Gilbert discloses a method for arranging a conference call between a host (initiator, or caller) and at least one participant (called party), comprising:

a call setup server 12 adapted to



receive from a call network device, a text-based message having caller information associated with the caller network device and a called endpoint information associated with a called network device, the text-based message including a time at which a telephone call is to be initiated (figures 1 and 7; abstract; column 4, line 61 – column 5, line 17), receipt of the text based message initiating an arrangement (scheduling) of the telephone call prior to an attempt to call the called network device, the arrangement being associated with the time to initiate the telephone call and the server being adapted to attempt to connect the telephone call in accordance with the arrangement, the caller information and the called endpoint information (column 5, lines 18-49); and

send a first alert signal to the called network device, and a second alerting signal to the caller network device automatically by the server at the time included in the text-based message, the first and the second alerting signals being sent to each of the caller network device and the called network are each called by the server at the time included in the text-based message (column 4, line 61 – column 5, line 59);

detect whether a first connecting signal is received from the called network device and whether a second connection signal is received from the caller network device (column 5, lines 36-59); and

attempt to connect the called network device to the caller network device in response to the first connection signal and the second connection signal (column 5, lines 36-59).

Gilbert teaches using a text-based message to setup a telephone call, but fails to teach sending a notification, such as an instant message or an email, to the caller network device if connection to the called network device failed. Gilbert also fails to teach a gateway for connecting a telephone network (PSTN) to an IP (Internet) network.

However, Sorensen teaches that when a conference system fails to connect a conference participant, existing conference participants are notified by an instant message (voice message) (column 8, lines 14-17). In addition, Henrikson teaches notifying a conference requester about the availability of conference resources and participant(s), using a text message, a voice message or an e-mail (column 7, lines 52-65). Henrikson further teaches gateway 130 for connecting a PSTN 142 to an IP network 146 (Figure 1),

Since Gilbert teaches that a conference participant uses either a telephonic device or a computer to participate in a telephone conference (column 5, line 18 – column 6, line 7), and it was well known in the art that a gateway was deployed to convert signal formats and protocols between a PSTN and a IP network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gilbert reference with the teaching so that network of Gilbert in figure 1 would have comprised a gateway and when a computer was used as the caller network device, the call setup system 12 would have notified the caller network device, using a text message (Instant Message), a voice message, or an e-mail, if a connection to the called network device failed. The motivation for such a modification was to clarify a

Art Unit: 2614

network structure, and to inform the caller (call initiator or requestor) about the availability of other conference call participant as taught by Sorensen and Henrikson.

2.19 Regarding claim 34, as stated above, a gateway is used to connect a PSTN to an IP network (see figure 1 of Henrikson), and obviously when a caller (conference call requester) is on the IP network, the gateway would have been able to connect other conference participant(s) connected to the PSTN to the caller, or if the caller (conference call requester) is on the PSTN, the gateway would have been able to connect other conference participant(s) on the IP network to the caller.

2.20 Regarding claim 35, Gilbert teaches caller information includes caller (host) telephone number (figure 3).

2.21 Regarding claim 36, Gilbert teaches called endpoint includes a telephone number (figure 3).

2.27 Regarding claim 37, obviously the call setup system 12 of Gilbert comprises a decoder for decoding the called endpoint information to provide the called telephone number (figure 3; column 4, lines 44-48).

Art Unit: 2614

2.28 Regarding claim 38, the call setup system obviously comprises a decoder for decoding the caller information to provide the caller telephone number (figure 3; column 4, lines 44-48).

2.29 Regarding claim 39, as stated above, the modified Gilbert reference sends a notification in either a text converted voice message (instant message), or an email.

2.30 Regarding claim 40, it would have obvious that a called network device could be a device located in a call center, and examiner takes an office notice that a caller is able to request and have a conference call with an agent in the call center (please refer to the rejection of claim 20).

2.31 Regarding claim 41, it is inherent that the call setup system 12 received a confirmed message indicating a successful from a network device, such as an off-hook signal.

2.41 Regarding claim 41, examiner takes an official notice that it was well known that a call center comprises an IVR for answering incoming calls.

Art Unit: 2614

3. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert US 7,580,374 in view of Sorensen et al. US 6,810,116 and further in view of Henrikson et al. 6,870,916 and further in view of Hirni et al. US 6,731,609.

3.1 Regarding claim 20, Gilbert discloses a method for arranging a conference call between a host (initiator, or caller) and at least one participant (called party), comprising:

receiving from a call network device, a text-based message having caller information associated with the caller network device and a called endpoint information associated with a called network device, the text-based message including a time at which a telephone call is to be initiated (Abstract; column 4, line 61 – column 5, line 17);

initiating an arrangement (scheduling) of the telephone call by a server (call setup system 12, figures 1 and 7) prior to an attempt to call the called network device in response to receiving the text-based message, the arrangement being associated with the time to initiate the telephone call (column 5, lines 18-49);

sending a first alert signal to the called network device, and a second alerting signal to the caller network device automatically by the server at the time included in the text-based message, the first and the second alerting signals being sent to each of the caller network device and the called network are each

Art Unit: 2614

called by the server at the time included in the text-based message (column 4, line 61 – column 5, line 59);

detecting whether a first connecting signal is received from the called network device and whether a second connection signal is received from the caller network device (column 5, lines 36-59); and

attempting to connect the called network device to the caller network device in response to the first connection signal and the second connection signal (column 5, lines 36-59).

Gilbert teaches using a text-based message to setup a telephone call, but fails to teach sending a notification, such as an instant message or an email, to the caller network device if connection to the called network device failed.

However, Sorensen teaches that when a conference system fails to connect a conference participant, existing conference participants are notified by an instant message (voice message) (column 8, lines 14-17). In addition, Henrikson teaches sending a text message, a voice message or an e-mail for conference notification to a conference requester about the availability of conference resources and participant(s) (column 7, lines 52-66).

Since Gilbert teaches that a conference participant uses either a telephonic device or a computer to participate in a telephone conference (column 5, line 18 – column 6, line 7), therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gilbert reference with the teaching so that a computer was used as the caller network device, the call setup system 12 would have notified the caller network device,

Art Unit: 2614

using a text message, a voice message, an Instant Message, or an e-mail, if a connection to the called network device failed.

Gilbert teaches using a text-based message to setup a telephone call, but fails to teach sending a notification, such as an instant message or an email, to the caller network device if connection to the called network device failed.

However, Sorensen teaches that when a conference system fails to connect a conference participant, existing conference participants are notified by an instant message (voice message) (column 8, lines 14-17). In addition, Henrikson teaches notifying a conference requester about the availability of conference resources and participant(s), using a text message, a voice message or an e-mail (column 7, lines 52-65).

Since Gilbert teaches that a conference participant uses either a telephonic device or a computer to participate in a telephone conference (column 5, line 18 – column 6, line 7), therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gilbert reference with the teaching so that when a computer was used as the caller network device, the call setup system 12 would have notified the caller network device, using a text message (Instant Message), a voice message, or an e-mail, if a connection to the called network device failed. The motivation for such a modification was to inform the caller (call initiator or requestor) about the availability of other conference call participant as taught by Sorensen and Henrikson.

The modified Gilbert reference teaches that a caller (host) requests scheduled conference with another a conference participant, but fails to teach that the conference participant (called party) is some one from a call center.

However since in Gilbert, the conference can be anyone that the caller wishes the talk to, obviously including an agent or supervisor of a call center. Furthermore, Hirni teaches that a caller is able to request a conference with an agent of a call center (column 2, lines 48-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Gilbert reference with the teaching of Hirni, so that a conference participant would have been an agent from a call center. The motivation for such modification was to clarify who would be a conference participant.

3.2 Regarding claim 21, Gilbert teaches using saved caller information for establishing a communication session between the host (caller) and at least one participant (called party) (column 5, lines 18-59).

3.3 Regarding claim 22, Gilbert teaches caller information includes caller (host) telephone number (figure 3).

3.4 Regarding claim 23, Gilbert teaches called endpoint includes a telephone number (figure 3).



Art Unit: 2614

3.5 Regarding claim 24, obviously the call setup system 12 of Gilbert decodes the called endpoint information to provide the called telephone number (figure 3; column 4, lines 44-48).

3.6 Regarding claim 25, the call setup system obviously decodes the caller information to provide the caller telephone number (figure 3; column 4, lines 44-48).

3.7 Regarding claim 26, Gilbert teaches retrieving the called telephone number (figure 3; column 4, lines 44-48; column 5, lines 50-54).

3.8 Regarding claim 27, as stated above, the modified Gilbert reference sends a notification in either a text converted voice message (instant message), or an email.

3.9 Regarding claim 28, the modified Gilbert teaches coupling a telephone network (PSTN) to an IP network (Gilbert: figure 1; Henrikson: figure 1).

3.10 Regarding claim 29, it is inherent that the call setup system 12 received a confirmed message indicating a successful from a network device, such as an off-hook signal.

Art Unit: 2614

3.11 Regarding claims 30 and 31, examiner takes an official notice that a call center comprises an IVR for answering incoming calls, and once a caller is put in a queue, the caller is constantly being informed of a waiting time.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/

Primary Examiner, Art Unit 2614